Calendar No. 311

102D CONGRESS
1st Session

SENATE

REPORT
102-205

PERMITTING MOUNT OLIVET CEMETERY ASSOCIATION OF SALT LAKE CITY, UTAH, TO LEASE A CERTAIN TRACT OF LAND FOR A PERIOD OF NOT MORE THAN 70 YEARS

NOVEMBER 12, 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 807]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 807), to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 807, as ordered reported, is to allow the Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a tract of land for not more than 70 years for purposes other than those for which such land was conveyed by the Federal Government to the association.

BACKGROUND AND NEED

When Mount Olivet Cemetery Association acquired land from the Federal Government in 1909, a reversionary clause in the deed required that the land be used only for burial of the dead. The Cemetery Association now estimates that approximately 35 acres, currently vacant and overgrown, will not be needed for at least 70 years. S. 807 would allow the association to use the property for other purposes so long as the use will not prevent future use as a cemetery. Currently, the association plans to lease the land for the development of a golf facility.

S313-32

LEGISLATIVE HISTORY

S. 807 was introduced on April 11, 1991, by Senators Hatch and Garn. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on October 1, 1991.

At the business meeting on October 30, 1991, the Committee on Energy and Natural Resources ordered S. 807 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on October 30, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 807 as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Bradley*	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka*	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone*	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Craig	
Mr. Seymour*	
Mr. Garn	

* Indicates voted by proxy.

SUMMARY OF THE MEASURE

S. 807 provides that, notwithstanding the Act of January 23, 1901, the Secretary of the Interior shall execute instruments as may be necessary to allow the Mount Olivet Cemetery Association to lease for use other than as a cemetery, for no more than 70 years, any portion of the land described in the first section of that Act, excluding the tract granted to Salt Lake City, pursuant to the Act of April 3, 1952, so long as the additional use will not prevent future use as a cemetery.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 807, a bill to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years, as ordered reported by the Senate Committee on Energy and Natural Resources on October 30, 1991. S. 807 would expand the uses to which property leased by the association may be put.

We estimate that enactment of this bill would not affect the federal budget or the budgets of state and local governments. Because enactment of S. 807 would not affect direct spending or receipts, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 807. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 807, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 13, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 807. These reports had not been received at the time the report on S. 807 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Bureau of Land Management at the Subcommittee hearing follows:

STATEMENT OF MICHAEL J. PENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT

I appreciate the opportunity to appear here today to discuss the views of the Department of the Interior on S. 807.

The Bureau of Land Management (BLM) has no objection to enactment of S. 807.

Under the Act of January 23, 1909, 50 acres of Federal lands were conveyed to the Mt. Olivet Cemetery Association by the Secretary of War for use as a cemetery. The Act contained a reverter clause that requires the land to revert to the United States if the land is used for any other purpose. S. 807 would extinquish the reverter clause and allow the Cemetery Association to lease a certain tract of land for not more than 70 years for use other than as a cemetery.

We understand that about 35 acres of the property will not be needed for cemetery purposes for at least 70 years. In the meantime the Cemetery Association would like to lease the land for the development of a golf teaching and practice facility that would benefit the community. Enactment of S. 807 is necessary to accomplish this purpose.

We have no objection to enactment of the bill since the lands are eventually proposed to be used for the original cemetery purposes.

Enactment of S. 807 would have no known impact under the pay-as-you-go provisions of the Budget Enforcement Act of 1990.

This concludes my prepared statement. I will be pleased to answer questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 807, as ordered reported.

○